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Counsel for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

STEPHANIE SPILOTRO, as Guardian ad
litem for JASON DUENAS,

Plaintiff,

v.

C. R. BARD, INC.; BARD PERIPHERAL
VASCULAR, INCORPORATED,

Defendants.

CASE NO. 2:19-cv-01586-KJD-BNW

**STIPULATION AND ORDER
REGARDING WITHDRAWAL OF
PLAINTIFF'S CLAIMS FOR
EMPLOYMENT RELATED
DAMAGES**

The parties, Plaintiff STEPHANIE SPILOTRO, as Guardian ad litem for JASON DUENAS, ("Plaintiff") and Defendants, C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. ("Bard"), by and through their undersigned counsel, hereby stipulate as follows pursuant to Fed. R. Civ. P. 15(a)(2):

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1 1. This case was part of a multi-district litigation proceeding styled, *In Re: Bard*
2 *IVC Filters Products Liability Litigation, MDL 2641* (“MDL”), pending before Senior Judge
3 David Campbell of the District of Arizona.

4 2. Plaintiff originally filed her Second Amended Master Short Form Complaint
5 for Damages for Individual Claims and Demand for Jury Trial (the “SAC”) in the MDL. *See*,
6 ECF No. 1. The SAC incorporates by reference the Master Complaint for Damages (“Master
7 Complaint”) filed in the MDL. *See, id.* at p. 1.

8 3. The Master Complaint, a copy of which has been filed for reference in this
9 action (see ECF No.46-1), contains a prayer for relief stating, “Plaintiffs demand judgment
10 against Defendants for: . . .past and future lost wages and loss of earning capacity.” *See, id.*
11 at p. 63. The SAC incorporates this prayer for relief by reference. *See*, ECF No. 1, at p.1.

12 4. Pursuant to Fed. R. Civ. Pro. 15(a)(2), the parties hereby stipulate to the
13 withdrawal of Plaintiff’s claims for employment related damages, under all counts set forth
14 in the SAC and/or the Master Complaint, including past or future lost wages, past or future

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1 loss of earnings capacity, past or future loss of employment opportunities, past or future loss
2 of educational opportunities, past or future loss of employment promotion and and/or other
3 employment related losses.

4 **IT IS SO STIPULATED.**

5 Dated this 15th day of April 2020.

Dated this 15th day of April 2020

6 WETHERALL GROUP, LTD.

GREENBERG TRAURIG, LLP

7
8 By: /s/ Peter C. Wetherall

By: /s/ Eric W. Swanis

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21 **IT IS SO ORDERED.**

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 4th day of August, 2020.

CERTIFICATE OF SERVICE

I hereby certify that on **April 15, 2020**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service.

/s/ Evelyn Escobar-Gaddi

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